

December 22, 2017

Stephen Posner
EFSEC Manager
Energy Facilities Site Evaluation Council
P.O. Box 47250
Olympia, WA. 98504-47250

Dear Mr. Posner

Thank you for extending the comment period on the TUUSSO Energy's Columbia Solar Projects in Kittitas County.

I am surprised that the EFSEC gave the TUUSSO proposal a public hearing in Kittitas County on December 12. A project of this size, located on designated farm land, clearly cannot be mitigated to a nonsignificant level?

The project does not qualify for the expedited process as described in WAC 463-43-030.

An application may be expedited when the council finds:

- (1) The environmental impact of the proposed energy facility will be **mitigated to a nonsignificant level under the State Environmental Policy Act**; and
- (2) The project is found to be **consistent and in compliance with city, county, or regional land use plans (Emphasis added)**.

This project meets neither of these requirements. But I find it hard to believe that the EFSEC really wants to face a legal challenge in a county that is more than willing to cooperate in siting solar energy generating facilities.

Kittitas County has over 18,000 acres available for projects that meet the criteria for industrial solar (level, grid access, etc), and it has a cooperative county government that is in the process of writing guidelines for another dozen or more projects which are waiting for the county to finish their process.

Does the EFSEC really have the staff capacity to assume responsibility from the Kittitas County planning staff to provide Environmental analysis for this project and the next 12 or more solar projects? Do you have staff to complete Environmental Impact Statements that are required by SEPA in 197-11-330(3)(i), when a proposed project "adversely effects environmentally sensitive or special areas such as loss or destruction of ... *prime farmlands*, wetlands, wild and scenic rivers, or wilderness;"

There is no question that the EFSEC has the statutory authority to over rule local jurisdictions, but in this case why do it in a community which is supportive of solar energy? This project should not be permitted at the expense of our main economic engine, agriculture. There is plenty of land in the county to have both.

Kittitas County agriculture contributes over \$68 million to the County's economy. Timothy hay is one of the prominent crops grown in the area of the proposed sites.

- An acre of Timothy grosses a farm-gate value, \$ 1,875 per acre (2017). Although yields and prices vary from year to year, the harvest happens every year with a annual benefit to the community.
- If the hay harvest on approximately 250 acres is replaced with the TUUSSO solar project, the loss to the community would be \$468,750 at the farm gate. If we add the multiplier the economic impact is three quarters of a million dollars.

Siting TUUSSO energy projects on irrigated farmland is controversial and will result in giving priority to solar over agriculture -- creating resistance at a time when we need to expand solar and wind power in other Eastern Washington counties that are dominated by agriculture. The recent Kittitas County hearing on December 12, generated a half dozen stories in local papers and television stations because siting solar on farmland is controversial. At a time when carbon taxes are being considered by the governor, this is no time to alienate rural communities by reducing farm income and employment..

Advocates of Green energy are looking for ways to fund solar and other clean energy projects without impacting jobs. Kittitas County is the wrong place and this is the wrong time to set a precedent that gives green energy a black eye.

In rural Jackson County, Oregon the county allowed a commercial scale solar project on 80 acres of farm land and was over ruled by the state's appeal board for growth management (Capital Press November 1, 2017). The State Land Use Board of Appeals used Growth Management land use rules to reverse Jackson County's decision. As you may know Washington's Growth management rules are patterned after Oregon's. Like Oregon, our primary source of food (from farmland) is protected by both Growth Management Act and State Environmental Policy Act.

The issue of whether the TUUSSO projects are "consistent and in compliance with city, county, or regional land use plans" (WAC 463-43-030(2)) has already been determined in Kittitas County District by Judge Hooper in November 30, 2017. She found that the County Commission could deny a permit for the Iron Horse Solar Project on a farmland designated Agriculture Resource lands.

In particular, the Judge found that:

"this land use decision was not outside the authority or the jurisdiction of the Kittitas county board of commissioners under RCW 36.70c.130(1)(e)

The EFSEC may find it difficult to justify a permit using the Expedited Process when the County Commissioners passed an ordinance 2018-004 which placed a moratorium on issuing further solar energy permits within the county.

This creates a few months delay for Kittitas County to complete guidelines for lands where solar energy production would be welcome.

Why not wait for the county to finish their regulations? Even more time will be lost while the issue of placing solar on farmland winds it way through appeals.

Why not work with Kittitas County to develop a permit process for solar projects on land which has no Agriculture Resource Designation and can be mitigated to a nonsignificant level under the State Environmental Policy Act?

- TUUSSO'S five proposed solar energy sites do not meet Kittitas County ordinances which do not authorize major alternative energy facilities in the *Agriculture-20, forest and range, commercial agriculture, and commercial forest zones*.
- The use of expedite process is not permitted when the projects are inconsistent with county ordinances which have been upheld in the county's District Court; and
- The use of expedited process is not permitted when the project is out of compliance with the State Environmental Policy Act which requires mitigation for projects that "*Adversely effects environmentally sensitive or special areas such as loss or destruction of ... prime farmlands*."

My request is for the Energy Facilities Site Evaluation Council members to find that the permit for these five TUUSSO projects do not qualify for the council's expedited process; and

I urge the council members to avoid the year long delay and expense required for an environmental impact analysis and additional hearings. Just wait for the Kittitas County Commissioners to implement regulations for siting industrial energy facilities.

Our future depends on alternative energy sources and reduction of carbon emissions. We need both farms and solar energy. We're connected by more than state boundaries.

Lets work together.

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Dick Carkner is a retired Washington State University agricultural economist. He received an undergraduate degree in agriculture from WSU and a PhD in Agricultural Economics from Michigan State University. He spent a career advising farmers on agriculture and food production issues. For eight years, Carkner chaired the Pierce County Farm Advisory Commission which advised the County Council and the County Executive on agricultural policy. He was also Vice Chair of the Pierce County Planning Commission. Carkner lives on irrigated farmland near Ellensburg and serves on the Kittitas County Solar Advisory Committee.